

### **REMARKS/ARGUMENTS**

This present remark is in response to the Official Action mailed August 24, 2005, in which Claims 1-7, 9-15, and 17-26 remain pending in this application. No Claims are added, and no Claims are deleted.

In Claims 1 and 9, Applicant added “must be opened to make” between “gas supplier and said gas, and added the recitation “wherein said gas supplier and said gas-exhausting apparatus must be opened continuously in said measuring process” after “a gas-extracting apparatus, said gas-extracting apparatus is connected with said transport slot by using a third tube”.

In Claim 17, Applicant added the recitation “wherein said gas supplier must be opened to make said gas that passed through said first tube and said second tube, and exhausted from said first gas nozzle and said second gas nozzle to form a gas stream” after “a second tube, said second tube having a second flow rate regulating valve and is connected with said second gas nozzle and with said gas supplier”, and added “wherein said gas supplier and said gas-exhausting apparatus must be opened continuously in said measuring process” after “a gas-extracting apparatus, said gas-extracting apparatus is connected with said transport slot by using a third tube and is produced an attraction to remove said gas”.

Applicant respectfully requests reconsideration in light of the above amendments and the following remarks.

**CLAIM REJECTIONS- 35 U.S.C. SECTION 103 (a)**

Claims 1-2, 6-7, 9-10, 14-15, and 21-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Imai et al (U.S. Patent No. 5,818,596) in view of Sampsell et al (U.S. Patent No. 5,327,286).

Examiner is of the opinion that Imai et al disclosed a film thickness measuring apparatus, and Sampsell et al disclosed that "in a real time optical correlation system teach using a datum slice with datum platen for measurement correlation".

The combination of the disclosure of Imai et al in view of Sampsell et al disclose that the purging gas is performed after the film thickness measuring operation is completed. The mixing purging gas of high-purity nitrogen gas and high-purity oxygen gas is supplied through the purging gas supply nozzles to attach to the covering structures into the film thickness measuring apparatus to fill up the cassette transfer chamber.

Nevertheless, the combination of the above cited references did not disclose the recitation "wherein said gas supplier must be opened to make said gas that passed through said first tube and said second tube, and exhausted from said first gas nozzle and said second gas nozzle to form a gas stream" and "wherein said gas supplier and said gas-exhausting apparatus must be opened continuously in said measuring process" as in claim 1, "wherein said gas supplier must be opened to make said gas passed through said first tube and said second tube" and "wherein said gas supplier and said gas-exhausting apparatus must be opened continuously in said measuring process" as in Claim 9, or "wherein said gas supplier must be opened to make said gas that passed through said first tube and said second tube, and exhausted from said first gas nozzle and said second gas nozzle to form a gas stream" and "wherein said gas supplier and said gas-exhausting apparatus must be opened continuously in said measuring process" as in

claim 17. The purging gas is performed after the film thickness measuring process finished as the combination of the disclosure of Imai et al in view of Sampsell et al. Thus, the purging gas is not open continuously in film thickness measuring process as the combination of above cited references disclosed.

In addition, the component of purging gas is also different between the present invention and the combination of the disclosure of above cited references. In the combination of the disclosure of above cited reference, the component of the purge gas is nitrogen gas and oxygen gas. However, the gas is used in the gas stream is an inert gas or nitrogen. Thus, the present invention did not utilize the “oxygen gas” to perform the film thickness measuring. According to above discussion, Applicant believed that the combination of the disclosure of Imai et al in view of Sampsell et al cannot over patentable the present invention.

Claims 3, 11, 17, and 19-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Imai et al (U.S. Patent No. 5,818,596) in view of Sampsell et al (U.S. Patent No. 5,327,286) further in view of Iida et al (U.S. Patent No. 5,527,417).

Regards as the present invention, the present invention did not utilize “oxygen gas” in the gas stream in measuring system. As above discussion, the combination of Imai et al in view of Sampsell et al discloses the component of the mixing purging gas is oxygen and nitrogen, which differs from the gas such as nitrogen, or inert gas in the gas stream as the present invention. Otherwise, according to the above discussion, the combination of the disclosure of Imai et al (‘596) in view of Sampsell et al (‘286) further in view of Iida et al (‘417) did not disclose that the “wherein said gas supplier must be opened to make said gas that passed through said first tube and said second tube, and exhausted from said first gas nozzle and said second gas nozzle to form a gas stream” as in Claim 17. thus, Applicant believed that the combination of the disclosure of Imai et al

(‘596) in view of Sampsell et al (‘286) further in view of Iida et al (‘417) cannot over patentable the present invention.

Claims 4, 5, and 12-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Imai et al (U.S. Patent No. 5,818,596) in view of Sampsell et al (U.S. Patent No. 5,327,286) further in view of Danese (U.S. Patent No. 6,272,768).

Similarly, according to the previous discussion, the present invention utilizes nitrogen or inert gas in the measuring system, and not includes “oxygen gas”. Even in the disclosure of Danese disclosed varies of pump to withdraw the fluids, and the gas must be mixed purging gas that includes “oxygen gas”. Thus, the combination of the disclosure of Imai et al (‘596) in view of Sampsell et al (‘286) further in view of Danese (‘768) cannot over patentable the present invention.

Claims 18 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Imai et al (‘596) in view of Sampsell et al (‘286) further in view of Iida et al (‘417), and in view of Danese (‘768).

Examiner is of the opinion that Imai et al in view of Sampsell and Iida et al discloses everything as Claim 17. Danese teaches venture pumps are typical vacuum pumps for withdrawing fluids.

The combination of Imai et al (‘596) in view of Sampsell et al (‘286) further in view of Iida et al (‘417), and in view of Danese (‘768) did not disclose “wherein said gas supplier must be opened to make said gas that passed through said first tube and said second tube, and exhausted from said first gas nozzle and said second gas nozzle to form a gas stream” as in claim 17 recited. Imai et al discloses the purging gas that is performed after film thickness measuring finished, and the above cited references did not disclose

that “wherein said gas supplier and said gas-exhausting apparatus must be opened continuously in said measuring process” as in claim 17 recited. Thus, Applicant believed that the combination of Imai et al (‘596) in view of Sampsell et al (‘286) further in view of Iida et al (‘417), and in view of Danese (‘768) cannot over patentable the present invention.

Claims 24-25 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Imai et al (‘596) in view of Sampsell et al (‘286) further in view of Sato et al (‘360), and in view of Lane et al (‘381).

According to previous discussion, the combination of the disclosure of Imai et al (‘596) in view of Sampsell et al (‘286) cannot over patentable the present invention. Thus, the combination of the disclosure of Imai et al (‘596) in view of Sampsell et al (‘286) further in view of Sato et al (‘360), and in view of Lane et al (‘381) also cannot over patentable the present invention.

Claims 26 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Imai et al (‘596) in view of Sampsell et al (‘286) further in view of Iida et al (‘417), further in view of Sato et al (‘360), and in view of Lane et al (‘381).

As above discussion, the combination of Imai et al (‘596) in view of Sampsell et al (‘286) further in view of Iida et al (‘417), further in view of Sato et al (‘360), and in view of Lane et al (‘381) did not disclose the “wherein said gas supplier must be opened to make said gas that passed through said first tube and said second tube, and exhausted from said first gas nozzle and said second gas nozzle to form a gas stream” and “wherein said gas supplier and said gas-exhausting apparatus must be opened continuously in said measuring process” as in claim 17. Further, the purging gas is not opened as first in the measuring system, and the component of purging gas includes an oxygen gas which is

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not use in the present invention. Thus, Applicant believed above cited refernces cannot over the present invention.

### **Conclusion**

In the light of the above amendments and remarks, Applicant respectfully submits that all pending Claims 1-7, 9-15, and 17-26 as currently presented are in condition for allowance. Applicant has thoroughly reviewed that art cited but relied upon by the Examiner. Applicant has concluded that these references do not affect the patentability of these claims as currently presented. Accordingly, reconsideration is respectfully requested.

Respectfully submitted,

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